

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT*A Tradition of Service*

DATE: June 15, 2010

OFFICE CORRESPONDENCE

FILE NO. FO2246244

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
DEPUTY RICHARD A. VARGAS # [REDACTED]
DEPUTY [REDACTED] # [REDACTED]
COMPTON STATION

On July 3, 2009, at approximately 2300 hours, Deputies Vargas and [REDACTED] responded to a suspicious person call at the "Ekono 99" store located at 1940 N. Bullis Road, Compton. Aero 24 responded and illuminated the male with their spotlight as he walked.

As Deputies Vargas and [REDACTED] turned onto Pine Street from Bullis Road, in their patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [REDACTED] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

The deputies caught up to the suspect in front of [REDACTED] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [REDACTED] immediately applied their body weight onto the suspect to handcuff him.

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [REDACTED] hand as he attempted to kick Deputy Vargas.

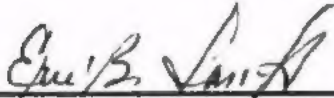
Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

On June 10, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Richard A. Vargas # [REDACTED] and [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.



Eric B. Smith, Commander

EBS:RSP/rsp

IV2246244

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DEPUTY RICHARD VARGAS' JULY 4, 2009 VERBATIM TRANSCRIPT

DEPUTY [REDACTED] JULY 4, 2009 VERBATIM TRANSCRIPT

EXHIBITS:

- A - 4 CD'S containing: 911 call for service, L-Tac traffic, Aero 24 "Patch" traffic, and Suspect and Witness videotaped interviews.
- B - Foot Pursuit Evaluation Form.
- C - Criminal and supplemental reports.
- D - Los Angeles County District Attorney Charge Evaluation Worksheet.
- E - Deputy [REDACTED] diagrams of the locations.

MISCELLANEOUS DOCUMENTS

- Signed Administrative Rights Force Review forms
- Daily In-Service Roster dated 07/03/09 and 07/04/09.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

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Incident Information									
URN: 5 0 9 - 1 0 9 8 4 - 2 8 2 5 - 1 4 5					Date: 7/3/09		Time: 23000 hours		
Location:		[REDACTED] E. Pine Avenue			City or Station:		Compton		
Bureau/Station/Facility:		Compton Station			Admin. Investigation:		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
Type of Force:		Significant/Less than Use of Force: Control Holds/Flashlight							
Deputy Injury: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		Suspect Injury: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>							
<input checked="" type="checkbox"/> Call		<input checked="" type="checkbox"/> Observation		<input type="checkbox"/> Detail		<input checked="" type="checkbox"/> Foot Pursuit		<input type="checkbox"/> Vehicle Pursuit	
IAB Notified: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		Person Notified: Lt. Mike Grimaldi		Emp: [REDACTED]		IAB Roll Out: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>			
Involved Employee									
E 1	Employee # [REDACTED]		Last Name Vargas		First Name Richard		Middle Name A.		
	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race: Hispanic		Unit of Assignment: Compton Station		Work Assignment (Unit #, Module, etc.): 287E		
	Shift: <input checked="" type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift <input checked="" type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		Age: [REDACTED]		Height: 508		Weight: 195
	<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:				Coroner Case #		Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>		
E 2	Employee # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		Middle Name [REDACTED]		
	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race: Hispanic		Unit of Assignment: Compton Station		Work Assignment (Unit #, Module, etc.): 287E		
	Shift: <input checked="" type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input checked="" type="checkbox"/> Regular Shift <input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		Age: [REDACTED]		Height: 511		Weight: 185
	<input checked="" type="checkbox"/> Injured <input checked="" type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:				Coroner Case #		Directed Force <input type="checkbox"/> Significant Force <input type="checkbox"/>		
E	Employee # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		Middle Name [REDACTED]		
	Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race: [REDACTED]		Unit of Assignment: [REDACTED]		Work Assignment (Unit #, Module, etc.): [REDACTED]		
	Shift: <input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> Regular Shift <input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		Age: [REDACTED]		Height: [REDACTED]		Weight: [REDACTED]
	<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Hospital:				Coroner Case #		Directed Force <input type="checkbox"/> Significant Force <input type="checkbox"/>		
Additional Involved Employees									
On Duty Supervisor									
Emp. # [REDACTED]		Last Name Iketani		First Name Douglas		Middle Name -		Rank Sgt. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Emp. # [REDACTED]		Last Name [REDACTED]		First Name [REDACTED]		Middle Name [REDACTED]		Rank [REDACTED] YES <input type="checkbox"/> NO <input type="checkbox"/>	
Watch Sergeant									
Emp. # [REDACTED]		Last Name Carrasco		First Name Jesus		Middle Name -			
Watch Commander									
Emp. # [REDACTED]		Last Name Meeder		First Name Brian		Middle Name A.			

Watch Commander (Print Name)

Teri Roberts, Sergeant

Watch Commander's Signature:

[REDACTED]

Emp #:

Date

Supervisor Completing Form: (Print Name)

Emp #:

Copy Provided to Employee by:

Emp #:

Unit Commander (Print Name)

Unit Commander's Signature:

Emp #:

Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force

SUSPECT INFORMATION

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S 1

Suspect Information											
Last Name		Gates		First Name		Dontae		Middle Name		Jamar	
AKA Last Name		Gordon		First Name		Dontae		Middle Name			
Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race: Black		Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:		Age: 21		Height: 511		D.O.B.: 07-31-87		Weight: 155	
Armed?		<input type="checkbox"/>									
Booking #:		1970524		Primary Charge Code:		69 P.C.		Secondary Charge Code:		243(b)PC	
Criminal History											
EMT in attendance?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Name: Compton Fire			Unit: 14		Phone #:		
Hospital Admission?		<input type="checkbox"/>		Rec'd Treatment At: Coast Plaza Doctor's Hospital			Coroner Case #:		Mental History <input type="checkbox"/>		
By Doctor:		Manuel Sacapano, MD		Address: 13100 Studebaker Rd., Norwalk 90650			Phone #:		562 868-3751		
Under Influence:		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Substance:					Mental Illness <input type="checkbox"/>		

S

Suspect Information											
Last Name				First Name				Middle Name			
AKA Last Name				First Name				Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:		Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:		Age:		Height:		D.O.B.:		Weight:	
Armed?		<input type="checkbox"/>									
Booking #:				Primary Charge Code:				Secondary Charge Code:		Criminal History <input type="checkbox"/>	
EMT in attendance?		<input type="checkbox"/> YES <input type="checkbox"/> NO		Name:			Unit:		Phone #:		
Hospital Admission?		<input type="checkbox"/>		Rec'd Treatment At:			Coroner Case #:		Mental History <input type="checkbox"/>		
By Doctor:				Address:			Phone #:				
Under Influence:		<input type="checkbox"/> YES <input type="checkbox"/> NO		Substance:					Mental Illness: <input type="checkbox"/>		

S

Suspect Information											
Last Name				First Name				Middle Name			
AKA Last Name				First Name				Middle Name			
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		Race:		Street Address:			City:		State & Zip Code:		
Work Phone:		Home Phone:		Age:		Height:		D.O.B.:		Weight:	
Armed?		<input type="checkbox"/>									
Booking #:				Primary Charge Code:				Secondary Charge Code:		Criminal History <input type="checkbox"/>	
EMT in attendance?		<input type="checkbox"/> YES <input type="checkbox"/> NO		Name:			Unit:		Phone #:		
Hospital Admission?		<input type="checkbox"/>		Rec'd Treatment At:			Coroner Case #:		Mental History <input type="checkbox"/>		
By Doctor:				Address:			Phone #:				
Under Influence:		<input type="checkbox"/> YES <input type="checkbox"/> NO		Substance:					Mental Illness: <input type="checkbox"/>		

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
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Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

500 - 10984 - 2825 - 1.5

(AW) Arwen	(FH) Firearm (Handgun)	(PO) Personal Weapon (Other)
(BC) Baton: (Control)	(FR) Firearm (Rifle)	(RS) Resistance
(BI) Baton: (Impact)	(FS) Firearm (Shotgun)	(CN) Restraint Device (Capture Net)
(BF) Bodily Fluids	(FO) Firearm (Other)	(RH) Restraint Device (Handcuffs)
(CN) Canine	(FB) Flashbang	(HB) Restraint Device: Hobble (Legs Only)
(CR) Carotid Restraint	(FL) Flashlight	(TP) Restraint Device: Hobble (TARP)
(CH) Choke Hold	(OE) Other Weapon: Edged	(RE) Restraint Device: REACT Belt
(CT) Control Holds: (Control Techniques)	(OV) Other Weapon: Vehicle	(SP) Sap
(TT) Control Holds: (Team Takedown)	(OB) Other Weapon: Blunt Object	(SH) Shield
(TD) Control Holds: (Takedown)	(OO) Other Weapon: Other	(SG) 37mm Stinger
(CE) Chemical	(PK) Personal Weapon: Feet/Leg: (Kick)	(SB) Sting Ball
(OC) Chemical Agents (OC Spray)	(PS) Personal Weapon: Feet/Leg: (Sweep)	(ST) Stun Bag
(TG) Chemical Agents (Tear Gas)	(PH) Personal Weapon (Hand/Arm)	(TR) Taser
(EX) Explosives	(PP) Personal Weapon (Push)	(UC) Uncooperative

(AB) Abrasion	(DB) Dog Bite	(PA) Paralysis
(BR) Bruise	(FR) Fractures	(PW) Puncture Wound
(BU) Burn	(GS) Gunshot	(SD) Soft Tissue Damage
(CP) Complaint of Pain	(HB) Human Bite	(ST) Sprain/Twists
(CO) Concussion	(LC) Lacerations	(UN) Unconscious
(DH) Death	(ND) Nerve Damage	(RM) Refused Med Treatment
(DI) Dislocation	(OD) Organ Damage	(NN) NONE

(AD) Abdomen	(FA) Face	(HI) Hip
(AK) Ankle	(FE) Feet	(IN) Internal
(AR) Arm	(FI) Fingers	(KN) Knees
(BK) Back	(GE) Genitals	(LE) Leg
(BT) Buttocks	(GR) Groin	(NK) Neck
(CH) Chest	(HD) Hands	(NO) Nose
(EL) Elbow	(HE) Head	(SH) Shoulder
		(WR) Wrist

[illegible]

Force Applied

Significant Use of Force: CONTROL HOLDS / FLASHLIGHT

Incident Details

On July 3, 2009, at approximately 2300 hours, Compton Sheriff Station Deputies Richard Vargas (Employee # [REDACTED]) and [REDACTED] (Employee # [REDACTED]), were involved in a significant use of force incident with Suspect Dontae Gates (MB/07-31-87) at [REDACTED] E. Pine Avenue in Compton, causing him to sustain a fractured arm.

Deputies Vargas and [REDACTED] responded to a call at the "Ekono 99" store located at 1940 N. Bullis Road, Compton. There was a report of a suspicious person loitering in the parking lot of the location. The person was described as a male black with a white "hoodie" on his head. Aero 24 responded and illuminated the male with their spotlight as he walked.

As Deputies Vargas and [REDACTED] turned onto eastbound Pine Street, from northbound Bullis Road in their marked patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [REDACTED] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

The deputies caught up to the suspect in front of [REDACTED] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [REDACTED] immediately applied their body weight onto the suspect to handcuff him.

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [REDACTED] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

Internal Affairs Lieutenant Mike Grimaldi was notified on July 3, 2009.

Reported Use of Force by Involved Employee(s)

Deputy Vargas and [REDACTED] completed a written report of their observations and actions, which is consistent with their verbal notification to Sergeant Douglas Iketani of their use of force.

Force Applied

Significant Use of Force: CONTROL HOLDS / FLASHLIGHT

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Deputies Vargas and [REDACTED] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a distance of 60-80 yards.

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The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [REDACTED] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

Internal Affairs Lieutenant Mike Grimaldi was notified on July 3, 2009.

Reported Use of Force by Involved Employee(s)

Deputy Vargas and [REDACTED] completed a written report of their observations and actions, which is consistent with their verbal notification to Sergeant Douglas Iketani of their use of force.

Supervisor's Report on Use of Force
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Case Status

In lieu of a criminal filing, Compton Deputy District Attorney Kelly Fritz violated the suspect's probation.

IAB INVESTIGATIVE NARRATIVE

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Compton Sheriff's Station
DATE: July 3, 2009, Saturday
TIME: 2300 hours
LOCATION: [REDACTED] E. Pine Avenue, Compton
IAB#: FO2246244
URN#: 509-10984-2825-145

NATURE OF INCIDENT:

On July 3, 2009, at approximately 2300 hours, Compton Sheriff Station Deputies Richard Vargas (Employee # [REDACTED]) and [REDACTED] (Employee # [REDACTED]) were involved in a significant use of force incident with Suspect Dontae Gates (MB/07-31-87) at [REDACTED] E. Pine Avenue in Compton, causing him to sustain a fractured arm.

Deputies Vargas and [REDACTED] responded to a call at the 'Ekono 99' store located at 1940 N. Bullis Road, Compton. There was a report of a suspicious person loitering in the parking lot of the location. The person was described as a male black with a white "hoodie" on his head. Aero 24 responded and illuminated the male with their spotlight as he walked.

IAB Note: For the 911 call for service, refer to the CD's in Exhibit A.

As Deputies Vargas and [REDACTED] turned onto eastbound Pine Street, from northbound Bullis Road in their marked patrol car, they saw the suspect walking eastbound across Pine Street. They stopped their vehicle and contacted the suspect. Deputy Vargas held the suspect's arms behind his back utilizing a one-handed control hold while he pat searched the suspect with his right hand. When Deputy Vargas began to sweep his hand across the suspect's front waistband area, the suspect struck Deputy Vargas on the chin with his right elbow and ran east on Pine Avenue, then north on Ward Avenue.

Deputies Vargas and [REDACTED] pursued the suspect north on Ward Avenue as Aero 24 transmitted over the radio that the deputies were in foot pursuit. The duration from the initiation of the foot pursuit to the conclusion was approximately thirteen seconds at a

FORCE INCIDENT EVALUATION

IAB # FO 2246244

distance of 60-80 yards.

The deputies caught up to the suspect in front of [REDACTED] Ward Avenue at Diane Drive when the suspect suddenly stopped, causing him to trip and fall to the ground where he began to struggle with the deputies. Deputies Vargas and [REDACTED] immediately applied their body weight onto the suspect to handcuff him.

IAB Note: For a copy of the Foot Pursuit Evaluation Form, refer to Exhibit B.

The deputies ordered the suspect to stop resisting and to place his arms behind his back. The suspect reached for his waistband area. Fearing the suspect was armed, Deputy Vargas struck the suspect on his left elbow approximately 7-8 times with a flashlight. The suspect moved his hands away from his waistband area and grabbed Deputy [REDACTED] hand as he attempted to kick Deputy Vargas. Deputy Vargas ordered the suspect to quit kicking and to stop fighting. The suspect did not comply. Deputy Vargas then struck the suspect on his right knee with a flashlight approximately 5 times. The suspect stopped kicking and the deputies were able to handcuff him behind his back without further incident.

IAB Note: For the L-Tac and Aero 24 radio transmissions, refer to the CD's in Exhibit A.

IAB Note: For Criminal and supplemental reports, refer to Exhibit C.

Deputies [REDACTED] and Vargas checked the parking lot of the "Ekono 99" parking lot where Suspect Gates was loitering. They found a blue Honda Civic with the driver's window down approximately 6 inches. The license plate returned to a reported stolen vehicle out of Lynwood.

Suspect Gates was examined at the scene by Compton Fire Department Unit 41. He was subsequently transported to Coast Plaza Doctor's Hospital in Norwalk where he was medically evaluated and treated for a fractured arm. Suspect Gates was cleared for booking.

The following deputy personnel reported the following use of force.

Deputy Vargas: Control Hold (hand, body); struck Suspect Gates 7-8 times on his left elbow with a flashlight; struck Suspect Gates 5 times on his right knee with a flashlight.

Deputy [REDACTED] Control Hold (hand, body).

FORCE INCIDENT EVALUATION

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IAB Note: For further details, refer to Exhibit C for a copy of Deputy Vargas Incident report and Deputy [REDACTED] supplementary report on their respective use of force.

Internal Affairs Bureau Lieutenant Mike Grimaldi was notified and Sergeants Teri Roberts and Frank Quichocho responded to Compton Sheriff's Station to conduct a force review of the incident.

The case was subsequently presented to the District Attorney's Office at Compton Court. Deputy District Attorney Kelly Fritz rejected the case and filed a probation violation in lieu of a criminal filing.

IAB Note: For a copy of the Los Angeles County District Attorney Charge Evaluation Worksheet, refer to Exhibit D.

The following review is based on written documentation and interviews with the involved deputies.

INVOLVED PERSONNEL:

Vargas, Richard A. - Bonus I, Employee # [REDACTED]
Field Operations Region II
Compton Station

EMPLOYEE WORK HISTORY:

Date of Employment:	04-28-1989
Date Assigned to Patrol:	[REDACTED]
Completed Patrol Training:	[REDACTED]
Prior Shooting Incident(s):	09-04-2004, 05-08-2005
Prior Founded Force Incidents:	[REDACTED]

[REDACTED] - Deputy Sheriff, Employee # [REDACTED]
Field Operations Region II
Compton Station

FORCE INCIDENT EVALUATION

IAB # FO 2246244

EMPLOYEE WORK HISTORY:

Date of Employment: [REDACTED]
Date Assigned to Patrol: [REDACTED]
Completed Patrol Training: [REDACTED]
Prior Shooting Incident(s): [REDACTED]
Prior Founded Force Incidents: [REDACTED]

INVOLVED SUSPECT:

Gates, Dontae Jamar, MB/21, Booking #1970524, DOB: 07-31-1987
[REDACTED]

Booking Charges: 69 P.C., 243(b)P.C.

Main: [REDACTED] CII: [REDACTED] CDL: [REDACTED] FBI#: [REDACTED]

CDC: [REDACTED]

Involved Suspect Criminal History:

A review of the suspect's criminal history reveals [REDACTED]

[REDACTED] Refer to the CCHRS and RAPS printouts included under **Exhibit C.**

DEPARTMENT EMPLOYEE WITNESSES:

None.

NON-DEPARTMENT WITNESSES:

[REDACTED] MH/40, DOB: [REDACTED]
[REDACTED]

SUSPECT'S INJURIES:

Suspect Gates was transported to Coast Plaza Doctor's Hospital in Norwalk. He was medically evaluated and treated by Dr. Manuel Sagapano under patient number 229276. It was determined that Suspect Gates sustained a fractured left arm and minor redness to his right knee.

IAB Note: For the video of Suspect Gates' injuries taken at Coast Plaza Hospital by Sergeant Iketani, refer to the CD's in Exhibit A.

FORCE INCIDENT EVALUATION

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IAB Note: The extent of Suspect Gates' injuries could not be obtained due to his refusal to sign a release of medical authorization form.

DEPUTY PERSONNEL INJURIES:

Deputy [REDACTED] sustained abrasions to his hands and knees
Deputy Vargas sustained no injuries.

PHYSICAL EVIDENCE:

None.

INVESTIGATOR'S OBSERVATIONS:

None.

WEAPON USED BY DEPUTY PERSONNEL:

Control Holds, Personal Weapon (body), Flashlight.

WEAPON USED BY INMATE:

Uncooperative, Personal Weapons (arms, fists, feet, body), Resistance.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Deputy B. Waldo # [REDACTED]

Charges Filed: Probation Violation.

The case was rejected by Compton Deputy District Attorney Kelly Fritz. A probation violation was filed in lieu of a criminal filing.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during the night hours. It was dark with bright streetlights in the area. The weather was clear.

FORCE INCIDENT EVALUATION

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INVOLVED EMPLOYEE STATEMENTS:

DEPUTY RICHARD VARGAS, Employee [REDACTED] was interviewed on July 4, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. The interview took place at Compton Sheriff's Station in the conference room. The following is a summary.

Deputy Vargas and Deputy [REDACTED] were assigned to unit 287H on the EM shift between [REDACTED] hours. At 2300 hours, they responded to a prowler call, suspicious person at a closed business. The business (Ekono 99 store) is located on Bullis Road and Pine Street in Compton in a high gang infested crime area. Prior to arriving at the closed business, the Watch Deputy provided a description of the person (white "hoodie" over his head) over "L" Tac. He indicated the person was hiding behind a tree in the store parking lot.

Aero 24 arrived and illuminated the area. The Watch Deputy advised that Aero 24 was illuminating a male matching the description. When Deputies Vargas and [REDACTED] arrived at the location, they saw a male (later identified as the suspect) matching the description from about 50 yards away on Pine Street being illuminated by Aero 24. The deputies approached the suspect and detained him to conduct a possible burglary investigation. The suspect immediately sat on his knees on the ground and appeared cooperative. Deputy Vargas placed the suspect's hands behind his back and walked him approximately ten feet to the hood of the patrol car. The patrol car was stopped in the street on Pine Street, 30 yards west of Ward Avenue.

Deputy Vargas indicated the suspect's fingers were interlaced as he (Deputy Vargas) clasped the suspect's hands with one hand and conducted a pat down search of the suspect with the other hand. As soon as Deputy Vargas reached around to sweep the suspect's front waistband area for weapons, the suspect pulled his right arm upward and struck Deputy Vargas on the chin, causing him to release the grip he had on the suspect. Deputy Vargas believed the suspect had possession of a weapon in his waistband area.

The suspect fled eastbound Pine Street to northbound Ward Avenue. The deputies initiated a foot pursuit and were approximately ten feet behind the suspect as Aero 24 hovered over them and put out the radio traffic regarding the foot pursuit. Deputy Vargas observed the suspect holding his waistband area as he ran and repeatedly ordered him to stop. The suspect did not comply.

On Ward Avenue, the deputies pursued the suspect on the west sidewalk about [REDACTED] to [REDACTED] houses at Diane Drive when the suspect tripped and fell in the parkway of [REDACTED] Ward Avenue. The deputies held the suspect down utilizing their body weight to handcuff him. Deputy [REDACTED] was positioned on the suspect's upper body while Deputy Vargas held his lower body.

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The suspect then turned to his side and reached for his waistband. Deputy Vargas feared the suspect was reaching for a gun and began to hit the suspect's left elbow area approximately 7-8 times while ordering him to show them his hands. Deputy [REDACTED] was struggling to grasp the suspect's hand behind his back while trying to roll him over onto his stomach. The suspect began grabbing Deputy [REDACTED] hand while throwing kicks at Deputy Vargas. Deputy Vargas then struck the suspect on his right knee with a flashlight to keep him from kicking. The suspect continued to struggle with the deputies. The deputies were finally able to overcome his resistance. Deputy [REDACTED] handcuffed the suspect.

The deputies checked the path area for a weapon and were unable to locate one. They checked the store parking lot where the suspect was hiding and found a vehicle with one of its windows cracked about 6 inches. The license plate returned to a stolen vehicle from Lynwood.

Deputy Vargas reported his use of force to Sergeant Iketani when he arrived on scene.

IAB Note: Refer to Exhibit C for a copy of Deputy Vargas' Incident report, File #509-10984-2825-145.

IAB Note: Refer to Deputy Vargas' transcribed interview for further details.

DEPUTY [REDACTED] Employee # [REDACTED] was interviewed on July 4, 2009, by Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho. The interview took place at Compton Sheriff's Station in the conference room. The following is a summary.

Deputy Vargas and [REDACTED] responded to a suspicious person prowler call at a business in Compton at approximately 2300 hours. Aero 24 arrived at the location and reported they saw a male matching the description of the disturbing party. The deputies turned east onto Pine Street from northbound Bullis Road and saw the suspect in the middle of the street being illuminated by Aero 24's spot light. When they drove up to the suspect, Deputy Vargas exited the vehicle as Deputy [REDACTED] ordered the suspect, via his PA system, to lay face down on the ground. The suspect sat on the ground and was placed in a control hold by Deputy Vargas.

Deputy [REDACTED] then saw the suspect throw his arm back, hitting Deputy Vargas on the chin. The suspect broke free from Deputy [REDACTED] grasp and ran east Pine street onto northbound Ward Avenue. The deputies initiated a foot pursuit of the suspect with Aero 24 flying overhead and transmitting radio traffic regarding the pursuit.

While running, Deputy [REDACTED] heard Deputy Vargas warn him about the suspect reaching

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into his waistband area. Deputy [REDACTED] was able to catch up to the suspect and cut him off. The suspect stopped to avoid Deputy [REDACTED] causing him (suspect) to trip and fall to the ground. The deputies held the suspect down with their body weight in an attempt to handcuff him. The suspect continued to struggle by kicking and swinging his arms at the deputies as they gave him verbal commands to stop and place his hands behind his back. Deputy [REDACTED] was able to place the suspect's right arm behind his back as Deputy Vargas grabbed his left arm. Deputy [REDACTED] then handcuffed the suspect.

Deputy [REDACTED] reported his use of force to Sergeant Iketani when he arrived on scene.

IAB Note: Refer to Exhibit C for a copy of Deputy [REDACTED] Supplemental report, File #509-10984-2825-145.

IAB Note: Refer to Exhibit E for Deputy [REDACTED] diagrams of the locations.

IAB Note: Refer to a copy of Deputy [REDACTED] transcribed interviews for further details.

DEPARTMENT EMPLOYEE WITNESS STATEMENT:

None.

NON-DEPARTMENT WITNESS STATEMENTS:

[REDACTED] was interviewed on videotape on July 3, 2009 at 2319 hours by Sergeant Iketani. The following is a summary.

Mr. [REDACTED] said he was standing in the front yard of a residence at [REDACTED] Ward Avenue when he saw the suspect running northbound in the street and sidewalk toward his direction. The deputies were pursuing the suspect and gave him verbal commands to stop, but the suspect refused and continued to run. The suspect and deputies ran past him (Mr. [REDACTED]) and continued northbound approximately 120 feet where the deputies grabbed the suspect. Mr. [REDACTED] heard the deputies continually give the suspect verbal commands to "stop struggling, put your hands behind your back and don't move."

IAB Note: For the Mr. [REDACTED] interview on video, refer to the CD's in Exhibit A.

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SUSPECT STATEMENTS:

SUSPECT DONTAE GATES, Booking #1970524, was interviewed on July 3, 2009, by Compton Sheriff Station Sergeant Douglas Iketani. The interview took place at the scene in the back seat of a patrol car subsequent to his arrest. The following is a summary.

Suspect Gates stated he was walking when he saw the deputies approach him with their lights on. He stated, "The deputies said they were going to shoot me and I started running. They beat the fuck out of me for no fuckin reason."

Suspect Gates stated he was struck with a baton on his left arm and right knee cap. He denied hitting the deputies.

IAB Note: For the video of Suspect Gates' injuries taken at Coast Plaza Hospital by Sergeant Iketani, refer to Exhibit A.

On 07-04-09, at approximately 1030 hours, Internal Affairs Bureau Sergeant Teri Roberts and Sergeant Frank Quichocho attempted to interview Suspect Gates at the Inmate Reception Center. Suspect Gates did not want to talk to us about the incident, nor did he wish to provide us with his authorization to release his medical records regarding the injuries he sustained on 07-03-09.